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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,229	01/29/2001	Robin Young Smith	2005-012R	9684

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SYMYX TECHNOLOGIES INC
LEGAL DEPARTMENT
3100 CENTRAL EXPRESS
SANTA CLARA, CA 95051

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,229

Applicant(s)

SMITH ET AL.

Examiner

Baoquoc N. To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 18-20, 25, 26, 28-34, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11, 18-20, 25, 26, 28-34, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/08/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 2-3, 5-11, 18-20, 25-26, 28-34, 40-41, 45-46, 48-54 and 61-63 are pending in this application.

Claim Objections

2. Claim 33 is objected to because of the following informalities: Claim 33 is the same as to claim 11. For purpose of the examination claim 33 is treated to depend on claim 25. Appropriate correction is required.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 11/08/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-3, 5-11, 18-20, 25-26, 28-34, 40-41, 45-46, 48-54 and 61-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuller (US. Patent No. 6,882,980 B1).

Regarding on claims 2, 25 and 45, Schuller teaches a computerized method of determining parameters for chemical synthesis comprising:

Accepting a user identification of a target chemical (user selection of product) (col. 4, line 13);

Displaying a listing of reagent chemicals that are used to synthesize the target chemical, in response to the user identification of the target chemical (these recipes can include detail listing of raw material) (col. 4, lines 14-16); and

Generating an electronic order for the target chemical and/or the reagent chemicals that are used to synthesis the target chemical in response to the user selection (after the recipe has been approved by the purchaser, the site 120 can complete order...) (col. 27, lines 26-30).

Regarding on claims 3, 26 and 46, Schuller teaches the accepting a user identification of a target chemical is preceded by:

Entering into a database, a plurality of target chemicals, a plurality of corresponding listings of reagent chemicals that are used to synthesize the plurality of target chemicals, a plurality of corresponding listing of equipment that is used to synthesize the plurality of the target chemicals and a plurality of corresponding listing of procedures that are used to synthesize the plurality of target chemicals by reacting the corresponding reagent chemicals in the corresponding equipment according to the corresponding procedure (col. 4, lines 15-22).

Regarding on claims 5, 28 and 48, Schuller teaches accepting a user identification of a target chemical comprises accepting a user identification of a target

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chemical by chemical formula, chemical structure, chemical compound name and/ or CAS number (products) (col. 3, line 64).

Regarding on claims 6, 29 and 49, Schuller teaches accepting a user identification of a target chemical comprises:

Displaying a listing of target chemical that match the user query (display product catalogs) (col. 3, line 65); and

Accepting a user selection of a target chemical from the listing of target chemicals that match the user query (col. 3, lines 62-67).

Regarding on claims 7, 30 and 50, Schuller teaches accepting user identification of a target chemical comprises:

Accepting a user identification of a reaction type (4, lines 15-20);

Displaying a listing of target chemicals that are synthesized using the reaction type (col. 4, lines 15-20); and

Accepting a user selection of a target chemical from the listing of target chemicals that are synthesized using the reaction type (col. 4, lines 12-15).

Regarding on claims 8, 31 and 51, Schuller teaches the following is performed between the accepting and the displaying:

Displaying a listing of procedures that can be used to synthesize the target chemical (processing steps used to formulate paint product) (col. 4, lines 16-17); and

Accepting a user selection of a procedure from the listing of procedures that can be used to synthesis the target chemical (col. 4, lines 1-20).

Regarding on claims 9, 32 and 52, Schuller teaches the following is performed between the accepting and the displaying:

Accepting a user selection of a desired quantity of the target chemical (col. 4, lines 15-20); and scaling the listing of the reagent chemicals so as to synthesized the desired quantity of the target chemicals (col. 4, lines 15-20); and displaying a scale listing of the reagent chemicals that are used to synthesize the desired quantity of the target chemical, a listing of equipment that is used to synthesize the desired the desired quantity of the target chemical (col. 4, lines 15-20).

Regarding on claims 10, 38 and 63, Schuller teaches accepting a user identification of a target chemical comprises:

Displaying a prioritized listing of target chemicals that match the user query (col. 4, lines 15-20);

Accepting a user selection of a target chemical from the prioritized listing of target chemicals that match the user query (col. 4, lines 15-20).

Regarding on claims 11, 39 and 64, Schuller teaches accepting a user identification of a target chemical comprises:

Accepting user identification of a chemical (col. 4, lines 13-15);

Displaying a listing of procedures that use the chemical as a reagent chemical (col. 4, lines 15-17); and

Accepting a user selection of a procedure from the listing of procedures that use the chemical as a reagent chemical (col. 4, lines 15-17).

Regarding on claims 18, 41 and 61, teaches a computerized method of obtaining materials for chemical synthesis comprising:

Electronically ordering a target chemical (the site 120 can complete order proceeding by interacting the seller) (col. 4, lines 27-29), reagent chemicals that are used to synthesize the target chemical (detail of raw materials) (col. 4, lines 15-16) and/or equipment that is used to synthesis the target chemical from an electronically displayed listing of the reagent chemicals that are used to synthesize the target chemical (recipes to formulation of the paint) (col. 4, lines 13-17) and of procedure that is used to synthesize the target chemical by reacting the reagent chemicals according to the procedure (processing steps used to formulate particular paint product) (col. 15, lines 15-17), in response to user input (user selection) (col. 4, lines 13-15) to order the target chemical and/or the reagent chemicals that are used to synthesize the target chemical (the site 120 can complete order proceeding by interacting the seller) (col. 4, lines 27-29).

Regarding on claims 19, 42 and 62, Schuller teaches the electronically ordering comprises: electronically ordering a kit of the reagent chemicals that are used to synthesize the target chemical (col. 4, lines 15-20).

Regarding on claims 20, 43 and 63, Schuller teaches the electronically ordering comprises: electronically ordering a kit of the equipment that is used to synthesize the target chemical (col. 4, lines 15-20).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-

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4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

BQ To

December 9th, 2005


JEAN M. CORRIEUS
PRIMARY EXAMINER